

January 14, 2013

Mr. Philip Allen (6SF-AP)
Remedial Project Manager
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2773

Dear Phil:

Attached please find a summary Progress Report for December 2012. This report was prepared on behalf of the Patrick Bayou Joint Defense Group, the Respondents to the Administrative Settlement Agreement and Order on Consent for the Patrick Bayou Superfund Site in Deer Park, TX. Should you have any questions, please call me at 919-539-1928 or e-mail me at bobp@projectnavigator.com.

Sincerely,

s/R Piniewski

Robert Piniewski
Project Coordinator

Attachment

cc: April Palmie - TCEQ
Jessica White – NOAA
Barry Forsythe – US Fish and Wildlife Service
Patrick Bayou Joint Defense Group

Monthly Progress Report for December 2012
Submitted January 14, 2013
Patrick Bayou Superfund Site
Deer Park, Texas

The Administrative Settlement Agreement and Order on Consent (AOC) for the Remedial Investigation/Feasibility Study (RI/FS) at the Patrick Bayou Superfund Site (Site) in Deer Park, Texas was entered on January 31, 2006. The Respondents include The Lubrizol Corporation, Occidental Chemical Corporation and Shell Oil Company, on behalf of Deer Park Refining Limited Partnership and Shell Chemical LP. The Respondents have formed the Patrick Bayou Joint Defense Group (JDG) to perform the work.

A. Summary of Work Performed – December 2012

The JDG, Project Navigator, and AnchorQEA (Anchor), conducted work on the following tasks:

- Met with EPA, Trustees and TCEQ to discuss agency comments on the Baseline Ecological Risk Assessment (BERA) and JDG response to comments.
- Submitted Final Baseline Human Health Risk Assessment (HHRA) and JDG Response to Comments on the HHRA.
- Continued preparation of Remedial Alternatives Memorandum (RAM).
- Continued preparation of the remedial investigation report. During the August 22, 2012 meeting it was agreed that the submittal of the draft report, originally planned for September, would be re-scheduled once the risk assessments are approved by EPA.
- Review of specifications from the City of Deer Park to determine effects of the planned detention basin upstream of Patrick Bayou on sediment transport at the Site.

B. Summary of Agency Communication

The written communication between the JDG and EPA subsequent to the filing of the AOC is summarized in the attached Table 1.

C. Summary of Sampling Results

None this reporting period.

D. Problems, Delays and Solutions

None this reporting period.

E. Projected Work for Next 2 Reporting Periods –January and February 2013

The JDG, PNL and AnchorQEA expect to complete the following tasks in January and February 2013:

- Submit final BERA and JDG response to agency comments on the draft BERA.
- Submit the draft RAM.
- Begin preparing a chemical fate and transport model to assess remedial .scenarios for polychlorinated biphenyls (PCBs) in surface water at the Site.
- Continued preparation of the remedial investigation report.
- Review the City of Deer Park specifications for the planned detention basin upstream of Patrick Bayou and potential effects on sediment transport at the Site.

F. Schedule

The overall RI/FS project schedule in Gantt chart format was updated in the Final General RI/FS Work Plan. That schedule will serve as the baseline schedule for the RI/FS. The schedule has been updated and is attached.

Prepared by:
Robert Piniewski
Project Coordinator

Table 1
Agency Communication Summary
Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
2/24/06	AOC Required Notifications	None	N/A	ID Project Coordinator and RI/FS Contractor, Certificates of Insurance and Anchor Quality Management Plan
2/28/06	Payment of Past Costs	6/12/06	Notice of end of public comment period on cost recovery actions	
3/1/06	Financial Assurance	None		
4/28/06	Draft Preliminary Site Characterization Report (PSCR)	6/15/06	Agency comments received on Draft PSCR	
6/7/06	Approach to RI/FS Work	6/7/06	EPA approved Adaptive Management Strategy for RI/FS	RI/FS will utilize Adaptive Management and a phased approach
6/27/06	Draft Work Package I Work Plan	7/7/06	EPA approved Work Package I Work Plan	
8/2/06	Response to Comments on PSCR	9/22/06	EPA approved PSCR	
8/17/06	Draft General RI Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
8/17/06	Draft Work Package 2 Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
9/27/06	Response to Agency Comments on Work Package 2 Work Plan	9/27/06	EPA approval of Work Package 2 Work Plan	JDG response to comments focused on field work related comments only
10/26/06	Submittal of Laboratory Qualifications and QA Manual(s)	None		
10/31/06	Deviations from WP2 Work Plan	11/02/06	Verbal approval from EPA on Nov. 2, 2006.	Minor deviations that occurred during the recent implementation of Work Package 2
12/14/06	Deviation from WP1 Work Plan	3/1/07	Verbally approved by EPA at Site Status Meeting	

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JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
1/9/07	Response to Agency Comments on General RI Work Plan and Work Package 2 Work Plan	None Required	Summarized previous agreements with EPA on Work Plans which had already been approved by EPA	
1/9/07	Final General RI Work Plan and Work Package 2 Work Plan	02/28/07	EPA comments received February 28, 2007	
2/16/07	Draft WP 1 technical memorandums	3/20 – 3/23/07	EPA comments received March 20-23, 2007	
4/5/07	Submit Work Package 2 Data Report	None		
4/25/07	Response to second set of regulatory comments on General RI Work Plan and Work Package 2 Work Plan	None Required	Summarized previous agreements with EPA on Work Plans which had already been approved by EPA	
5/11/07	Submit Draft Supplemental RI Work Plan	7/8/07	EPA comments received July, 8, 2007	
6/13/07	Submit Response to Comments on Draft WP 1 technical memorandums	None Required	Additional EPA comments post-response	
6/13/07	Submit Response to Comments on Supplemental RI Work Plan	6/15/07	EPA approval for Supplemental RI Work Plan received July 15, 2007	
4/2/08	Submit draft Selection of Contaminants of Potential Concern for Ecological Risk Assessment	6/3/08	EPA comments received June 3, 2008	
7/11/08	Draft Response to Comments on COPC Report	Various	EPA comments received.	
7/24/08	Technical Memo – Sediment Toxicity and COPC Selection	Various	EPA comments received	
7/29/08	Agreements and Action Items – July 16, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	

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Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
9/23/08	Agreements and Action Items – September 23, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
10/30/08	Draft Mixing Zone Evaluation Work Plan	various	EPA comments received and addressed on 11/18/09	
10/30/08	COPC Selection Amendment Report	04/27/09	Final comments from EPA received April 27, 2009.	
11/11/08	Agreements and Action Items – November 6, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
11/18/08	Response to Comments on Mixing Zone Evaluation Work Plan	11/18/08	Verbal Approval from EPA to proceed on 11/18/09.	
2/18/09	Agreements and Action Items – February 12, 2009 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
3/12/09	Summary of Agreements - Patrick Bayou Technical Workgroup	7/19/09	Approved by EPA.	
3/12/09	Final Response to Comments on the Contaminants of Potential Concern (COPC) Report	7/16/09	Approved by EPA.	
4/14/09	April 8, 2009 Conference Call Notes – Acute/Chronic Ratios – Sediment Toxicity Testing	None Required	Technical discussion only, no further action.	
5/29/09	Adaptive Management Strategy and Patrick Bayou RI/FS Phases	7/16/09	Approved by EPA.	
6/4/09	Draft Sediment Transport Model Report	8/3/09	Comments received on 8/3/09.	

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6/15/09	Draft Mixing Zone Layer Study	8/7/09	Comments received and addressed in Response to Comments on 8/8/09. Approved by EPA.	
9/24/09	Draft Sediment and Surface Water Sampling Plan	10/23/09	Comments received by 10/12/09. Response to Comments submitted on 10/21/09. Approved by EPA.	
6/10/10	Sediment and Surface Water COPC Delineation Data Report	N/A	Data report only.	
9/24/10	Draft Baseline Ecological Risk Assessment Work Plan	12/6/10	EPA Comments received November 29, 2010. TCEQ and Trustee comments received December 6, 2010.	
3/16/11	Response to Agency Comments on Draft BERA Work Plan	4/14/11	Additional comments received by 4/14/11.	
3/23/11	Provide site data as requested by Phil Turner/EPA and Linda Broach TCEQ	N/A	EPA requested dioxin data from sediment sampling.	
3/28/11	Draft Human Health Risk Assessment Work Plan	5/2/11	Comments received by 5/2/11.	
4/7/2011	Draft Upstream Characterization Work Plan	5/13/11	Comments received from Agency.	
5/27/11	Final Baseline Ecological Risk Assessment Work Plan and Responses to Agency Comments	6/1/11	EPA approval of BERA Work Plan via email	
6/3/11	Response to Agency Comments on Draft HHRA Work Plan	8/1/11	TCEQ comments received 7/15/11. EPA approval of HHRA Work Plan via email	
6/14/11	Final Upstream Characterization Work Plan and Response to Comments	8/1/11	TCEQ comments received 7/15/11. EPA approval of Upstream Characterization Work Plan	

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JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
8/20/11	Request for approval to modify compositing scheme in the Baseline Ecological Risk Assessment Sampling and Analysis Plan.	9/20/11	EPA provides verbal approval	
8/29/11	Notice of Payment of Future Response Costs and Objection to Enforcement Costs July 1, 2010 through June 30, 2011	N/A		
9/15/11	Notice that on September 28, 2011 the JDG will mobilize to begin sampling efforts in support of the Human Health Risk Assessment Work Plan.	N/A		
2/8/12	Upstream Characterization Data Report submitted to EPA, TCEQ and Trustees	N/A	Data report only.	
4/18/12	Final Sediment Transport Modeling Report and the JDG Response to Agency Comments on the Report	Pending		
7/12/12	Submittal of Human Health Risk Assessment report	9/28/12	Received TCEQ comments on July 30, 2012 and EPA comments on August 28, 2012	
8/10/12	Submittal of Baseline Ecological Risk Assessment Report	11/5/12	Received all EPA and TCEQ comments on the BERA	
8/23/2012	Submittal of Materials presented at the August 22, 2012 risk assessment review meeting	N/A		
9/5/12	Submittal of supporting data for the HHRA and BERA	N/A		<ol style="list-style-type: none"> 1. Draft Patrick Bayou BERA benthic community data request 2. Draft Patrick Bayou BHHRA Appendix A data request

Table 1
Agency Communication Summary
Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
9/6/2012	Submittal of technical call materials on mercury speciation and calculation of surface weighted averages	N/A		
10/2/2012	Submittal of supplemental data requested by Vicki Reat of TCEQ in response to questions on the draft BERA report and the inputs to the wildlife risk calculations.	N/A		Will be included in Appendix C of the final BERA.
12/27/12	Submitted Final Baseline Human Health Risk Assessment (HHRA) and JDG Response to Comments on the HHRA.	Pending		